

U.S. Application Serial No.: 10/075,262

Reply to Office Action of: June 24, 2004

### **REMARKS/ARGUMENTS**

The original Response to the Office Action mailed October 21, 2003 was filed on March 22, 2004. On June 13, 2004, a telephone Interview was conducted between Examiner Janet M. Wilkens and the undersigned. During this Interview, Applicants were informed that the claims amended in the Response should be referred to as "currently amended" and the text of the cancelled claims should be deleted from the Response. Furthermore, minor amendments to the claims were also agreed upon during the Interview. The results of the telephone Interview have been summarized in the Supplemental Office Action mailed June 24, 2004.

Applicants respectfully consider that the claims Amendment presented hereinabove complies with the requirements of the Office Actions mailed June 24, 2004 and October 21, 2003.

The undersigned wishes to thank Examiner John P. Fitzgerald and Primary Examiner Janet M. Wilkens for the courtesy extended to him during the personal Interview at the US Patent Office on February 11, 2004.

It has been discussed during the interview and confirmed in the Interview Summary that the proposed independent claim 1 appears to read over the prior art of record, subject to further such end considerations by the Examiner.

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Applicants respectfully consider that the Examiners rejection of claims 1-19 under 35 USC 112, second paragraph, as being indefinite is moot in view of the amendment of the claims provided in the Response.

In the outstanding Office Action claims 1, 4, 6, 7, 12 and 19 have been rejected under 35 USC 103(a) as being unpatentable over German Patent Publication DE 2329016 A to Droszella (the Droszella reference hereinafter) in view of US patent 3,741,404 to Jourdain (the Jourdain reference hereinafter). Claims 2 and 3 have been rejected under 35 USC 103(a) as being obvious over Droszella and Jourdain as applied to the rejection of claim 1 and further in view of US Patent 2,506,844 to Smith (the Smith reference hereinafter). Claim 8 has been rejected under 35 USC 103(a) as being unpatentable over Droszella and Jourdain references as applied to claims 1 and 7 and further in view of US Patent 7,799,104 to Sprague (the Sprague reference hereinafter).

Claims 5 and 9 have been rejected under 35 USC 103(a) as being unpatentable over Droszella and Jourdain references as applied to claims 1 and 4 and further in view of US Patent 5,975,660 to Tisbo et al. (the Tisbo reference hereinafter). Claims 10, 11 and 13 have been rejected under 35 USC 103(a) as being unpatentable over Droszella, Jourdain and Tisbo references as applied to claim 9 and further in view of US Patent 5,926,916 to Lee (the Lee reference hereinafter) and US Patent 2,568,592 to O'Connor (the O'Connor reference hereinafter). Claims 14 and 15 have been rejected under 35 USC 103(a) as being

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obvious over the Droszella and Jourdain references as applied to claims 1 and 12 and further in view of US Patent 835,508 to Faust (the Faust reference hereinafter).

Applicants respectfully consider that the above discussed rejection of the claims under 35 USC 103(a) in view of the Droszella, Jourdain, Sprague, Tisbo, Lee, O'Connor and Faust references is moot in view of the amendment of the claims provided in the Response.

The Smith reference discloses as sectional case assembly which consists of box-like sections, a longitudinal bar secured along each front and rear edge of the bottom of each section and a bar disposed longitudinally off the rear edge of the upper surface of each section. A pair of spaced end bars secured to the bottom of each section adjacent to each end of the section. The pairs of bars extend at right angles with respect to the longitudinally disposed bars. The spaced end bars being also spaced from the edges of the outer surfaces of the section. End bars secured along the upper surface of each section. The end bars of the upper surface of one section adapted to fit between the pairs of bars on the lower surfaces of the adjacent upper section, where the rear end of one bar of each pair of bars engages the longitudinal disposed bar of the adjacent lower section so as to hold section against horizontal movement with respect to each other when the sections are placed together in the formation of a case.

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Applicants respectfully consider that the Smith reference does not disclose a modular laboratory cabinet assembly of the invention which is positively recited by the new independent claim 20. The assembly recited in that claim consists of a pair of substantially similar unitary housing end units arranged in an inverted space apart relation to each other. Furthermore, there is no disclosure by the Smith reference of the frictional arrangement of the invention which is provided on an exterior surface of the base of each substantially similar end unit, wherein each frictional arrangement consists of first and second pairs of outwardly projecting and diagonally opposed engaging segments, so that in each pair the engaging segments are positioned at an angle to each other and in each frictional arrangement the first set of engaging segments being disposed peripherally inward with respect to the second engaging segments.

Still further, the frictional arrangement of the Smith reference does not teach minimizing slipping between vertically stacked cabinet assemblies in such a manner that the first pair of engaging segments disposed on the upper housing end unit of a lower one of the stacked cabinet assemblies frictionally engages the second pair of engaging segments disposed on an inverted lower housing end unit of an upper one of the stacked cabinet assemblies and vice versa.

In the Outstanding Office Action the Examiner argues that the Jourdain reference discloses a cabinet having a plurality of elongated support members and/or columns with guiding apertures/channels passing therethrough, and end unit

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having a longitudinal guiding channel also passing therethrough. However, it is clear from the disclosure of the Jourdain reference that the columns 3 are formed as an integral part of the respective module.

On the other hand, it is specifically recited in the amended version of independent claim 1 that in the invention a plurality of columns extend outwardly from the respective ledges so as to be spaced from the adjacent inner surfaces of the side portions. The module having a plurality of columns which are independent or spaced from the adjacent inner surfaces of the side portions is clearly illustrated in at least Figures 5-7 of the application.

Applicants respectfully consider that the arrangement recited in the newly amended independent claim 1 is patentably distinguishable over the references cited by the Examiner. Furthermore, at least claims 7-19 are dependent upon patentably distinguishable independent claim 1, do not contain independent subject matter and therefore also should be allowable.

Please find enclosed a copy of the Communication, including the Search Report conducted for the corresponding patent application by the European Patent Office. Applicants wish to bring the Examiner's attention to the fact that all five U.S. patents cited in the European Search Report have already been brought to the Examiner's attention by the Information Disclosure Statement submitted by the Applicants on March 25, 2002.

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Applicants have made best faith efforts to place the application in condition for allowance. However, if any issue raised by the PTO has inadvertently been left unanswered, the Examiner is authorized to call the undersigned at the telephone number indicated below.

Applicants respectfully petition for a two month extension of time to reply. Separate Petition and a check in the amount of \$210.00 accompanied the original Response filed March 22, 2004. A copy of the already filed Petition is enclosed for the convenience of the Patent Office .

Respectfully submitted,

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